

The Examiner has also rejected the claims under 35 U.S.C. §112 objecting to the phrase "characterized in that" and certain other matters specifically referred to. By the above amendments Applicant has corrected all of the matters referred to by the Examiner and as such the claims are now considered to be acceptable under 35 U.S.C. §112.

Claim 7 and 8, 18, 19 and 21 have been rejected as being anticipated by the reference to Showa. Claims 7-9, 16, 17 and 21 have been indicated as being anticipated by the U.S. patent to Regnier. Applicant notes that the European application cited as Showa is equivalent to U.S. Patent No. 5,654,152. Applicant believes, for those reasons stated by the Examiner in the Office Action, that neither Showa nor Regnier anticipate the subject invention in that neither reference is inherently capable of binding the enzyme inhibitors which correspond to at least one enzyme in the sample. Further, Applicant notes that both of these references place the substrate within the column as opposed to adding the substrate to the sample after elution from the column as the subject invention does, and as now recited in the claims. As such, neither of these references anticipate the subject invention.

The Examiner has cited the additional reference of Koohmaraie for a rejection of claim 7-9, 18, 19 and 21 when viewed in conjunction with Showa and claims 7-9, 16, 17, and 21 when viewed in conjunction with Regnier. Applicant notes that Koohmaraie is a batch process which involves adding a sample to the column, capping the column and allowing it to react for two hours at 2-4 C with end-over-end mixing. Such conditions are not present in the subject application. Regnier on the other hand, involves the passage of the sample through a closed

Serial No. 08/793,833

system under pressure. The method of Koohmaraie cannot work in the high pressure system of Regnier as the enzyme kinetics function completely different in the high pressure system of Regnier when compared to the apparent atmospheric system of Koohmaraie. Thus enzyme inhibitors would not be removed if Koohmaraie's method were combined with Regnier's. As a result, it would be impossible to achieve the measurement of enzyme activity such as by Koohmaraie method or by the high pressure closed system of Regnier. As a result, the method of Regnier can not be used in combination with Koohmaraie, or by itself, in a manner which would make the subject invention obvious. Further, Koohmaraie, by being a batch method, is not adaptable to the automatic and continuous operation of the subject invention as now recited in claim 7. Koohmaraie further cannot be combined with Showa or Regnier who place their substrate in the column, thus utilizing a different procedure and reaction mechanism.

Claim 22 has been rejected on the basis of U.S. patent to Stevens in conjunction with the previously cited art. The Examiner has stated that Stevens discloses a system for introducing a sample into a separation column where the buffer and sample are alternately supplied and the system is controlled by a computer device. However, Stevens does not teach the use of a system for determining enzyme activity and accordingly, the computerization of Applicant's system is not made obvious by the teachings of Stevens.

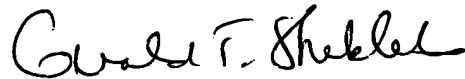
With the above amendments and remarks, this application is considered ready for allowance. Should the Examiner be of the opinion that a telephone conference would expedite

Serial No. ⁰⁸/793,833

prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

WELSH & KATZ, LTD.



By
Gerald T. Shekleton
Registration No. 27,466

Dated: February 17, 1998

Welsh & Katz, Ltd.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
Telephone: 312/655-1500